

## HOUSE BILL NO. 45

INTRODUCED BY A. OLSON

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS GOVERNING SICK LEAVE; REVISING THE DEFINITION OF SICK LEAVE TO INCLUDE SITUATIONS ALLOWED BY CURRENT CUSTOM AND USAGE; MAKING THE ADOPTION OF RULES PERMISSIVE RATHER THAN MANDATORY; AMENDING SECTIONS 2-18-601 AND 2-18-604, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 2-18-601, MCA, is amended to read:

**"2-18-601. Definitions.** For the purpose of this part, except 2-18-620, the following definitions apply:

(1) (a) "Agency" means any legally constituted department, board, or commission of state, county, or city government or any political subdivision of the state.

(b) The term does not mean the state compensation insurance fund.

(2) "Break in service" means a period of time in excess of 5 working days when the person is not employed and that severs continuous employment.

(3) "Continuous employment" means working within the same jurisdiction without a break in service of more than 5 working days or without a continuous absence without pay of more than 15 working days.

(4) "Employee" means any person employed by an agency except elected state, county, and city officials, schoolteachers, and persons contracted as independent contractors or hired under personal services contracts.

(5) "Full-time employee" means an employee who normally works 40 hours a week.

(6) "Holiday" means a scheduled day off with pay to observe a legal holiday, as specified in 1-1-216 or 20-1-305, except Sundays.

(7) "Part-time employee" means an employee who normally works less than 40 hours a week.

(8) "Permanent employee" means a permanent employee as defined in 2-18-101.

(9) "Seasonal employee" means a seasonal employee as defined in 2-18-101.

(10) "Short-term worker" means a short-term worker as defined in 2-18-101.

1 (11) "Sick leave" means a leave of absence with pay for:

2 (a) a sickness suffered by an employee or a member of the employee's immediate family; or for a  
3 ~~permanent state employee who is eligible for parental leave under the provisions of 2-18-606~~

4 (b) the time that an employee is unable to perform job duties because of:

5 (i) a physical or mental illness, injury, or disability;

6 (ii) maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical care  
7 for the employee or the employee's child;

8 (iii) parental leave for a permanent employee as provided in 2-18-606;

9 (iv) quarantine resulting from exposure to a contagious disease;

10 (v) examination or treatment by a licensed health care provider;

11 (vi) short-term attendance, in an agency's discretion, to care for a ~~relative PERSON~~ RELATIVE OR  
12 HOUSEHOLD MEMBER not covered by subsection (11)(a) until other care can reasonably be obtained;

13 (vii) necessary care for a spouse, child, or parent with a serious health condition, as defined in the  
14 Family and Medical Leave Act of 1993; or

15 (viii) death or funeral attendance of an immediate family member or, at an agency's discretion, another  
16 person.

17 (12) "Temporary employee" means a temporary employee as defined in 2-18-101.

18 (13) "Transfer" means a change of employment from one agency to another agency in the same  
19 jurisdiction without a break in service.

20 (14) "Vacation leave" means a leave of absence with pay for the purpose of rest, relaxation, or personal  
21 business at the request of the employee and with the concurrence of the employer."

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23 **Section 2.** Section 2-18-604, MCA, is amended to read:

24 **"2-18-604. Administration of rules.** The department of administration or the administrative officer of  
25 any county, city, or political subdivision is responsible for the proper administration of the employee annual, sick,  
26 or military leave provisions and the jury duty provisions found in this part and ~~shall~~ may, when necessary,  
27 promulgate rules necessary to achieve the uniform administration of these provisions and to prevent the abuse  
28 thereof of these provisions. When promulgated, the rules are effective as to all employees of the state or any  
29 county, city, or political subdivision ~~thereof of the state.~~"

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